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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,679	01/11/2002	Carlos Fradera Pellicer	31799/242724	8401

826 7590 06/09/2003

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EXAMINER

AMIRI, NAHID

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/030,679

Applicant(s)

PELLICER, CARLOS FRADERA

Examiner

Nahid Amiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-52 is/are rejected.
- 7) ☒ Claim(s) 39-44 and 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the downwardly directed **flange of 23B**, figure 12 applicant reference number 23B and 24 are referring to same part and it is not clear which part applicant trying to show, reference number **32** for channel of the cross member 27, a **relief element** within the receptacle of depression, must show clearly as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

The disclosure is objected to because of the following informalities: Applicant disclosing the page 11, line 25 the visible face 3 and page 14 the pattern layer 3 of the inner layer 4. It is not clear the pattern layer is same as visible face and if this the case therefore it should be consistent throughout the disclosure, also the phrase “the patterned layer 3 and of the inner layer 4”, the word “and” has to be deleted.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The claims 33-52 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. It is confusing (e.g.) the phrase in regard to

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claim 33 the phrase “**outwardly accessible portion being configured to extended away from about one face and outwardly of the other face of the slab**” it is not clear how the outwardly portion can extend away from one face and being outwardly from other face which does not support the drawing. In regard to **claim 39**, applicant claiming the corrugated rod extending between metal section of the frame, it is not clear the metal section is positioned between the frame and what other element of the structure. In regard to **claim 41** applicant claiming the spin of reinforcement correspond to spine which defined by the latticework support structure which is inconsistent with disclosure and in regard to **claim 49** it should clarify the a **relief element** which inserted to receptacle of depression of juxtaposed panels.

Regarding claim 33 and 50, the phrase "about one of the face" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33, 35 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,526,629 Canvaness.

In regard to claim 33: Canvaness discloses the claimed invention FIG. 4, column 4, line 59-67, building panel 20 including a slab 22 comprised of an air concrete material and having opposed faces, reinforcement means 40a,c having a portion 46 embedded within the slab 22 and extending outwardly thereof so as to form an outwardly accessible portion 44, the outwardly portion 44to allow the slab to be attached to the frame member 40e.

In regard to claim 35: Cavaness discloses the claimed invention FIG. 4, column 3, line 62-63, a panel formed from concrete material.

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In regard to claim 45: Cavaness discloses the claimed invention, FIG. 4, column 4, line 22-24, the panel 20 having frame member 40c defined the second side edge 32 at the rear 36 of the panel 20.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34, 36 and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cavaness as applied in view of US Patent No. 5,715,637 Hesterman et al.

In regard to claim 34: Cavaness discloses the claimed invention except the face of slab includes a visible face with defining pattern. Hesterman teaches FIG. 1, column 4, line 21-26, the sheet 11 with front face 16 having a visible face defining a pattern 12. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the visible face with defining pattern in order to have better appearance as taught by Hesterman.

In regard to 36: Cavaness discloses the claimed invention except reinforcement having a channel closed end and open end with opposing flanges. Hesterman teaches FIG.4, column 6, line 17-20, a reinforcement 21 having a channel which including an open and closed end, column 6, line 57-59, reinforcement 21 having opposing flanges 21A which embedded in the foamed sheet 11. It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the reinforcement of Cavaness invention with Hesterman in order to provide the reinforcement within the slab.

In regard to claims 50-52: Cavaness discloses the claimed invention FIG. 4, column 4, line 59-67, building panel 20 including a slab 22 comprised of an air concrete material and having opposed faces, reinforcement means 40a,c having a portion 46 embedded within the slab 22 and extending outwardly thereof so as to form an outwardly accessible portion 44, the

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outwardly portion 44 to allow the slab to be attached to the frame member 40e, Cavaness does not disclose an internal closure slab. Hesterman teaches FIG. 2, column 4, line 13, having an internal closure 10 is attached to a rear surface of the sheet 11. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the inner slab in order to construct the interior of the building.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over cavaness in view of US Patent No. 2,703,003 Ruppel.

In regard to claim 37: Cavaness discloses the claimed invention except having reinforcement having aperture. Ruppel teaches FIG. 4, column 3, line 24-26, the web portion 27 having a plurality of apertures 26. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the reinforcement with a plurality of apertures in order for concrete to permit the thickness of the panel to be built as taught by Ruppel.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over cavaness in view of US Patent No. 1,682,253 Romero et al.

In regard to claim 38: Cavaness discloses the claimed invention except the reinforcement means having a plurality of metal section formed a frame and disposed to the slab. Romero teaches FIG. 1, the reinforcement having a plurality of metal section formed into frame 10 wherein disposed to slab 11. It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the reinforcement of the Cavaness's invention with frame reinforcement of the Romero in order to create the individual block section on outer face of structure for unique appearance.

Claims 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cavaness.

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In regard to claims 46-47: Cavaness discloses the claimed invention as stated above in claim 33 except the method of manufacturing the panel. These claims recite the obvious method of manufacturing of the panel by having all the limitation of claim 33.

### *Allowable Subject Matter*

Claims 39-44, 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and also final determination will be made after all objections and 112 matters have been corrected.

The prior art fail to provide the applicant claimed invention **claim 39** the **corrugated rods** extending between the metal sections of the frame arrangement for facilitating securement of the reinforcement means within the slab, **claim 40** having a **resilient**, resistant **filiform member** which **engaged** with **the reinforcement** to **secure the panel** to the **latticework** support structure, **claim 41** the **two spines** of the reinforcing element which opposed the spine of the structure support are attached each other, **claim 49** the system having **plurality of panels** with each panel defining an edge and having a **relief element inserted into a receptacle** which defined by depression of juxtaposed panels.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,202,377 B1 Krieger

US Patent No. 4,642,960 Wallover, III

US Patent No. 6,427,408 B1 Krieger

US Patent No. 5,003,743 Bifano et al.

US Patent No. 6,170,213 B1 Zarrelli et al.


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US Patent No. 2,983,080	Whiteside
US Patent No. 4,112,646	Clelland
US Patent No. 4,472,919	Nourse
US Patent No. 2,235,001	Allen
US Patent No. 2,703,003	Ruppel
US Patent No. 3,867,800	Elliott
US Patent No. 1,031,926	Hansbrough
US Patent No. 2,169,255	Kotrby

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (703) 305-4241 and Fax number is 703-872-9326. The examiner can normally be reached on Monday-Friday from 8:00-5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl Friedman can be reached at (703) 308-0839.

na 

May 30, 2003

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600